CHAP. 17.

An Act for the Preservation of Sea Birds. [24th June 1869.] A.D. 1869.

WHEREAS the sea birds of the United Kingdom have of late years greatly decreased in number; it is expedient therefore to provide for their protection during the breeding season:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Definition of terms.

1. That the words "sea birds" shall for all the purposes of this Act be deemed to include the different species of auk, bonxie, Cornish chough, coulterneb, diver, eider duck, fulmar, gannet, grebe, guillemot, gull, kittiwake, loon, marrot, merganser, murre, oyster catcher, petrel, puffin, razor bill, scout, seamew, sea parrot, sea swallow, shearwater, shelldrake, skua, smew, solan goose, tarrock, tern, tystey, and willock; the word "sheriff" shall include steward and also sheriff substitute and steward substitute.

Season during which sea birds shall not be killed.

Penalty.

2. Any person who shall kill, wound, or attempt to kill or wound, or take any sea bird, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any sea bird, or shall have in his control or possession any sea bird recently killed, wounded, or taken, between the first day of April and the first day of August in any year, shall, on conviction of any such offence before any justice or justices of the peace in England or Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such sea bird so killed, wounded, or taken, or so in his possession, such sum of money not exceeding one pound as to the said justices or sheriff shall seem meet, together with the costs of the conviction; provided always, that this section shall not apply where the said sea bird is a young bird unable to fly.

Home Office, &c. on application of

3. The Home Office as to Great Britain, and the Lord Lieutenant as to Ireland, may, upon application of the justices in quarter

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justices, may vary such period.

sessions assembled of any county on the sea coast, extend or vary the time during which the killing, wounding, and taking of sea birds is prohibited by this Act; the extension or variation of such time by the Home Office shall be made by order under the hand of one of Her Majesty's Principal Secretaries of State; after the making of which order the penalties imposed by this Act shall in such county apply only to offences committed during the time specified in such order; and the extension of such time by the Lord Lieutenant shall be made by order to be published in the Dublin Gazette, and a copy of the London Gazette or Dublin Gazette containing such order shall be evidence of the same having been made.

Persons offending against this Act may be required to tell their names and abodes.

Penalty for refusing.

4. Where any person shall be found offending against this Act, it shall be lawful for any person to require the person so offending to give his Christian name, surname, and place of abode; and in case the person offending shall, after being so required, refuse to give his real name or place of abode, or give an untrue name or place of abode, he shall be liable, on being convicted of any such offence before a justice of the peace or the sheriff, to forfeit and pay, in addition to the penalties imposed by section two, such sum of money not exceeding two pounds as to the convicting justice or sheriff shall seem meet, together with the costs of the conviction.

Application of penalty.

5. One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall, in England, be paid to some one of the overseers of the poor, or to some other officer, (as the convicting justice or justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and, in Scotland, to the inspector of the poor of the parish in which the offence shall have been committed, to be by such inspector paid over to the use of the funds for the relief of the poor in such parish; and, if recovered in Ireland, such penalty shall be applied according to the provisions of the Fines Act (Ireland), 1851, or any Act amending the same.

As to trial of offences committed within the Admiralty jurisdiction.

6. All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon any land in the United Kingdom,

and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas"; and in Scotland any offence committed against this Act on the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast, or adjoining such sea, and may be tried and punished accordingly.

Where offences committed on boundary waters, prosecutions may be in either county.

7. Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace or sheriff in either of such counties or districts.

Extent of Act.

8. The operation of this Act shall not extend to the island of Saint Kilda.

Power to Her Majesty, by Order in Council, to exempt parts from operation of Act.

9. It shall be lawful for Her Majesty, by an Order of Council, where, on account of the necessities of the inhabitants of the more remote parts of the sea coasts of the United Kingdom, it shall appear desirable, from time to time to exempt any part or parts thereof from the operation of this Act; and every such Order shall assign the limits of such part or parts aforesaid within which such exemption shall have effect.

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